

# Order

Michigan Supreme Court  
Lansing, Michigan

September 17, 2008

Clifford W. Taylor,  
Chief Justice

136881

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

In re:

The Honorable MARY B. BARGLIND,  
Judge, 41<sup>st</sup> Circuit Court

SC: 136881  
JTC: Formal Complaint No. 83

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On order of the Court, the Judicial Tenure Commission having issued its decision and recommendation of discipline, and the Honorable Mary B. Barglind having consented to the Commission's findings of fact and its recommendation for discipline, we accept the recommendation of the Judicial Tenure Commission and ORDER that Judge Barglind be suspended for thirty days without pay, effective 21 days from the date of this order.

As we conduct our de novo review of this matter, we are mindful of the standards set forth in *In re Brown*, 461 Mich 1291, 1292-1293 (2000). We adopt the findings and conclusions of the Judicial Tenure Commission. Respondent was at all relevant times a Judge of the 41<sup>st</sup> Circuit Court. With no justifiable reason, respondent engaged in a pattern of delay in rendering decisions in matters submitted to her for review. In some instances, the delays exceeded two years. Respondent failed to respond over a several month period to numerous inquiries made by the State Court Administrative Office Regional Director regarding the status of various matters. On several occasions, respondent failed to report, as required by MCR 8.107, all matters which remained undecided for more than four months from the date submitted to respondent. After a January 2007 implementation plan was put in place, respondent failed to report all undecided matters to the State Court Administrative Office. Respondent's failure to promptly dispatch her judicial duties constituted misconduct on the bench that was prejudicial to the administration of justice.

The standards set forth in *Brown* are being applied to the following conclusions of the Judicial Tenure Commission, which we adopt as our own:

The facts asserted in the Formal Complaint and established by the parties' stipulation in this matter show, by a preponderance of the evidence, that Respondent breached the standards of judicial conduct and is responsible for all of the following as alleged in the Formal Complaint:

Misconduct in office as defined by the Michigan Constitution of 1963, as amended, Article VI, § 30 and MCR 9.205;

Conduct clearly prejudicial to the administration of justice, as defined by the Michigan Constitution of 1963, as amended, Article VI, § 30 and MCR 9.205;

Persistent neglect in the performance of judicial duties, in violation of MCR 9.205(B)(1)(b);

Failure to establish, maintain, enforce and personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, and to bear in mind that the judicial system is for the benefit of the litigant and the public, not the judiciary, contrary to the Michigan Code of Judicial Conduct (MCJC), Canon 1;

Irresponsible conduct which erodes public confidence in the judiciary, in violation of MCJC, Canon 2A;

Failure to respect and observe the law and so conduct herself at all times in a manner which would enhance the public's confidence in the integrity and impartiality of the judiciary contrary to MCJC, Canon 2B;

Failure to promptly dispose of the business of the court, contrary to MCJC, Canon 3A(5) (Count I only);

Failure to diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitation [sic] the performance of the administrative responsibilities of other judges and court officials, contrary to MCJC, Canon 3B(1) (Count II only); and

Conduct that exposes the legal profession or courts to obloquy, contempt, censure or reproach, contrary to MCR 9.104(A)(2).



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 17, 2008

*Corbin R. Davis*

Clerk